



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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March 19, 2012

Dr. Roy Crabtree,
Regional Administrator,
Southeast Regional Office,
National Oceanic and Atmospheric Administration,
263 13th Avenue South, St. Petersburg, FL 33701-5505

Subject: Amendment 18A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region and Environmental Impact Statement with Regulatory Flexibility Act Analysis, Regulatory Impact Review, and Fishery Impact Statement Final Environmental Impact Statement. CEQ# 20120032. ERP Number: NOA-E91032-00

Dear Dr. Crabtree:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject National Oceanic and Atmospheric Administration (NOAA) Final Environmental Impact Statement (FEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. EPA understands that the proposed action is focused on the black sea bass (BSB) and consists of 12 management actions. These actions involve establishing acceptable biological limits (Action 1a), changing annual catch limits (Action 1b - d), creating an endorsement program (EP) (Action 2), an EP appeal process (Action 3), and EP transferability rights (Action 4), establishing fishing pot limits (Action 5), reducing by catch (Action 6), creating a spawning season closure (Action 7) and commercial trip limits (Action 8), modifying size limits (Action 9), and improving data collection (Actions 11 & 12) for fishery management purposes.

The specified need for the proposed actions is to reduce overcapacity and the overharvesting of the BSB. The most recent fishery data indicate the BSB population is still experiencing overfishing to a small extent, but is no longer considered to be *overfished* while not yet being fully *rebuilt*. The FEIS included alternative analyses for each of the proposed 12 Actions.

EPA has the responsibility to review and comment on major Federal actions significantly affecting the quality of the human environment, including FMPs and FMP Amendments (Amendments) as developed, approved, and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) where those Plans and Amendments are subject to the EIS requirement of NEPA, but it should be clear that we defer to NOAA and the Council as to the development of fishery statistics and the relative importance of the commercial and recreational fisheries for each species.

EPA appreciates that NOAA provided a dedicated section at the end of the FEIS (Appendix N) that provided specific responses to our previous comments on the DEIS. We have chosen to focus our review and comments on NOAA's responses to our previous comments.

EPA comments:

EPA's previous comments and recommendations provided on the DEIS focused on five areas: 1) the need for a clearly defined need statement which is consistent with the proposed actions, 2) the need to provide sufficient background and context to adequately understand the basis for the 12 actions, how they meet the specified need, and their resulting impacts to the BSB, its associated environment and ecosystem, 3) clarification of confusing and inconsistent statements, and 4) enhancement of the alternative and cumulative effects analyses, and 5) that the BSB's unique lifecycle characteristics appear to be insufficiently considered in the Action Alternative analyses.

Overall, EPA is satisfied with the responses provided by NOAA in the FEIS. We encourage NOAA to provide this level of detail¹ in future draft EISs. The NEPA process relies heavily on public participation and writing documents in a "readable" manner should be a priority of all Federal Agencies. EPA is very supportive of NOAA's efforts to improve the readability of their NEPA documents and we are encouraged that NOAA has taken steps to develop a document titled "Improving the Readability of Documents Produced by Regional Fishery Management Council and NOAA Fisheries Service Southeast Regional Office."² We look forward to reviewing future documents that follow this new guidance.

Summary:

EPA supports NOAA and the Council on Amendment 18A for the Snapper Grouper FMP and gives deference to their fishery expertise. Lastly, we request a copy of the NOAA ROD.

Should NOAA or the Council have questions regarding our comments on the Amendment actions, please feel free to contact Dan Holliman at 404/562-9531 or holliman.daniel@epa.gov of my staff.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

¹ For example - providing additional detail on fishery management terms, clarifying the "need" statements, selecting preferred alternatives in the DEIS, etc.

² p. 12 – Appendix N